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09/515,272	02/29/2000	David B. Kinder	ITL.0315US (P7998)	1987
21906 7590 12/04/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER SHELEHEDA, JAMES R	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/515,272
Filing Date: February 29, 2000
Appellant(s): KINDER ET AL.

Kinder et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/20/06 appealing from the Office action mailed 10/18/06.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,604,542	Dedrick	02-1997
6,486,895	Robertson	11-2002
6,681,393	Bauminger	01-2004
6,057,872	Candelore	05-2000

PNG (Portable Network Graphics) Specification, Version 1.0, (05-1997).

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 9, 12-15 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick (5,604,542) (of record) in view of the PNG Specification, Version 1.0 (of record).

Regarding Claim 1, Dedrick discloses a method comprising transmitting video content (Col. 2, Lines 25-28) and transmitting electronic advertisements (Col. 2, Lines 10-14) comprising graphics (Col. 2, Line 19) in the vertical blanking interval of the video signal (Col. 2, Lines 20-33). The advertisement may be a redeemable coupon (Col. 3, Lines 2-3). Information carried in the VBI signal must be encoded such that the advertisement image is split up into packets (Col. 2, Lines 35-64). The image is subsequently delivered to a receiver one bit at a time in a serial data stream. This reads

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on the claimed transmitting partial, incomplete portions (packets) of a complete viewer incentive image (electronic advertisement including a redeemable coupon) over time in association with the video content (television program). In order to receive all the packets for a particular image, the user must be tuned to the channel carrying the data for a sufficient duration of time. This reads on the claimed incentive images accumulating depending on viewing time to form the complete image. What is not disclosed, however, is enabling the partial incomplete portions to be displayed and viewed without displaying the complete incentive image, the extent of the image that is displayed being dependent on the time spent viewing the video content.

In an analogous art, the PNG Specification discloses a bitmap image file format featuring serial streamability and progressive display (Chapter 1, Introduction). This allows the image file to be displayed as it is received over a communication link (Chapter 1, Introduction and Chapter 2.6, Interlaced data order). Such serial streaming and progressive display of image data reads on the claimed enabling the partial incomplete portions of the incentive image to be displayed and viewed without displaying the complete image. In combination with Dedrick, the image data is transported serially in a packetized VBI stream and is received based on the time spent viewing the video content. The PNG Specification is evidence that one of ordinary skill in the art would appreciate the ability to display a partial, incomplete image as it is received over time. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick with the progressive display of

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the PNG Specification in order to "provide the user with a meaningful display much more rapidly."

Regarding Claim 2, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Dedrick further discloses transmitting portions of a viewer incentive image (advertisement) in association with the content (television program) includes transmitting the viewer incentive image portions (packetized data) together with the television content in the program's VBI, as stated above.

Regarding Claim 3, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Dedrick further discloses that transmitting video content includes transmitting video programming (television programming) together with ancillary information (VBI data, See Figures 3-5) and transmitting the viewer incentive image portions (advertisement/coupon) as part of the ancillary information (VBI data) as stated above. As is well known in the art, the VBI may contain closed captioning information as well as other embedded data.

Regarding Claim 9, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Dedrick further discloses including parsing enhanced content from the video content (decoding the VBI information) and parsing an incentive from the enhanced content (displaying or printing the advertisement, Col. 3, Lines 24-41).

Regarding Claim 12, see Claim 1 above. Dedrick further discloses an electronic system (See Figure 1) with an encoder (14), transmitter (80), receiver (82) and decoder (84). As is well known in the art, such digital computing devices comprise a medium for storing instructions that cause a processor to perform a function. As stated above, the image is associated with image portions (data packets) that accumulate to create the complete image after an amount of viewing time.

Regarding Claims 13-14, see Claims 2-3 above, respectively.

Regarding Claim 15, Dedrick in view of the PNG Specification disclose an article as stated above in Claim 12. Dedrick further discloses storing instructions that cause a processor-based system such as encoder (14) and transmitter (80) to progressively provide, in the form of a serialized data stream encoded in the television show's VBI, an image portion of an overall incentive image (advertisement/coupon) which may be earned by those viewers who view programming for a given amount of time as stated above in Claim 1.

Regarding Claim 19, see Claim 1 above. Dedrick further discloses a video content receiver (82) and a data decoder (84). The decoder removes the electronic advertisement from the VBI and extracts the transmitted information (Col. 3, Lines 25-

28). The decoder therefore reads on the claimed ancillary content receiver. Further disclosed is a transmitter (80).

Regarding Claim 20, see Claim 2 above.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1 and further in view of Bauminger et al. (Bauminger) (6,681,393) (of record).

Regarding Claim 5, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. What is not disclosed, however, is showing the portion of an incentive image that has not yet been earned. Bauminger discloses an interactive television system for displaying advertisements (Col. 5, Lines 21-34) and accumulating a history of users interactions (Col. 6, Lines 16-49) in order to provide a coupon or prize (Col. 5, Lines 1-7). Bauminger further discloses displaying to the user a portion of an incentive image that has not yet been earned (See Figures 1A and 1B). Bauminger is evidence that ordinary workers in the art would recognize the benefits of prompting users with an unearned portion of an incentive, such as how many times the user is required to participate in a contest to receive a coupon (Col. 5, Lines 32-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick in view of the PNG Specification with the display of an unearned portion of an incentive of Bauminger in order to increase viewer participation and consumption of advertising by encouraging the viewer to

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participate in more interactive advertising content as disclosed by Bauminger (Col. 5, Lines 32-39).

Regarding Claim 16, see Claim 5 above.

Claims 6, 10-11, 17-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1 and further in view of U.S. Patent No. 6,057,872 to Candelore (6,057,872) (of record).

Regarding Claim 6, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. What is not disclosed, however, is progressively providing incentives, which may be collected in a graphical user interface for display. Candelore discloses a system for transmitting digital coupons (Col. 4, Line 63 – Col. 5, Line 5) in order to reward viewer loyalty in a cable television network (Col. 5, Line 26) based on a viewer's consumption of programming (Col. 6, Lines 27-31). Further disclosed is that incentives may be collected in a graphical user interface for display (See Figures 4-5 and Col. 10, Lines 19-45). Candelore is evidence that ordinary workers in the art would appreciate the ability to display a viewer's collected coupons in a graphical user interface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick in view of the PNG Specification with the GUI of Candelore in order to allow a user to manage and spend their accrued coupons immediately.

Regarding Claims 10 and 11, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1 wherein a viewer accrues an incentive image portion by viewing content. What is not disclosed, however, is including a determining whether a viewer is actually viewing the video content and accruing the incentive only after determining that the viewer is actually viewing the content including asking a question in the course of the video content to determine that a viewer is present and paying attention. Candelore discloses a method as stated above in Claim 6 wherein the system verifies that the subscriber is present and viewing a program by requiring the subscriber to provide interactive input (Col. 3, Lines 53-62 and Col. 12, Lines 47-56). This reads on the claimed determining whether a viewer is actually viewing a video and accruing the incentive only if the viewer is actually viewing including asking a question in the course of the video content to determine that the viewer is actually present and paying attention. Candelore is evidence that one of ordinary skill in the art would appreciate the ability to ensure a viewer is actually paying attention to programming before providing a reward for watching the programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick in view of the PNG Specification with the verification of Candelore in order to prevent viewers from gaining rewards for advertisements they didn't actually view.

Regarding Claims 17-18, see Claims 10-11 above.

Regarding Claim 21, Dedrick in view of the PNG Specification disclose a system as stated above in Claim 19. What is not disclosed, however, is that the video content and ancillary information are transmitted at separate times. Candelore discloses a system as stated above, wherein the digital coupon information may be transmitted via a separate path from the television programming (Col. 5, Lines 53-55). This reads on the claimed video content and ancillary information being transmitted at separate times. Candelore is evidence that one of ordinary skill in the art would appreciate the ability to use a separate transmission path for video services and digital coupon information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dedrick in view of the PNG Specification with the separate transmission path of Candelore in order to implement a bi-directional network for interactive distribution and feedback or to provide a higher bandwidth transmission channel than VBI for the interactive advertisement information.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of the PNG Specification, Version 1 and further in view of Candelore and Robertson et al. (Robertson) (6,486,895) (of record).

Regarding Claims 7 and 8, Dedrick in view of the PNG Specification disclose a method as stated above in Claim 1. Further, Dedrick in view of the PNG Specification and further in view of Candelore disclose a method as stated above in Claim 6 wherein incentives are progressively provided in a graphical user interface. What is not disclosed, however, is a graphical user interface, which may be viewed in a virtual book

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of pages of incentives or enabling the pages to appear to be turned by operating the graphical user interface. Robertson discloses a graphical user interface system that utilizes a book metaphor (See Abstract and Figures 10-12) that enables a user to turn pages (Col. 2, Lines 38-47). Robertson is evidence that ordinary workers in the art would recognize the benefits of displaying electronic data in a book metaphor.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Dedrick in view of the PNG Specification and further in view of Candelore with the book metaphor of Robertson in order to allow users to easily access the stored coupon data in a visual way that is natural and easy for them to understand.

(10) Response to Argument

a. Rejection under 35 U.S.C. 103(a) of claims 1-3, 9, 12-15 and 19-20 over Dedrick in view of PNG Specification Version 1.0.

Firstly, in response to appellant's argument on page 10, that the PNG specification does not disclose displaying those portions *earned* by viewing, it is noted that none of the current claims require any sort of "earning" whatsoever. The claim language merely requires that the portions displayed be dependent upon the time spent viewing video content. Neither Dedrick nor the PNG specification were relied upon to disclose *earning*, as it is not required.

Dedrick was relied upon to disclose transmitting video content with a viewer incentive image (column 3, lines 16-22 and column 4, lines 7-11), wherein

the viewer incentive image is transmitted as partial, incomplete portions (as individual packets making up the total image are transmitted through the VBI of the video channel; column 4, lines 7-15). The portions of the image are then accumulated over time (as the individual packets are individually downloaded upon the full advertisement is received; column 4, lines 7-15). Furthermore, the portions clearly accumulate dependent upon the time viewing the video signal, as the portions are specifically transmitted with the video signal in the VBI (column 4, lines 7-15). Thus, for example, if the viewer incentive required one minute to be downloaded through the VBI, the viewer would have to be tuned to the channel for at least one minute to receive the image.

While Dedrick discloses wherein the image is downloaded and then fully displayed (column 3, lines 23-37 and column 4, lines 7-19), he fails to explicitly disclose that incomplete portions of the image can be displayed without displaying the full image.

It was the PNG specification which was then relied upon to disclose wherein an image can be progressively displayed *as it is received over a communications link* (see Section 1, Introduction, Progressive Display). This allows received images to be displayed to “fade in” over time by initially displaying a low-resolution image very quickly and then the addition of more details as they are received (see Section 1, Introduction, Progressive Display and Section 2.6, Interlaced Data Order). This provides the recognized benefit of

giving the user a meaningful display much more rapidly (see Section 2.6, Interlaced Data Order).

Secondly, on pages 10 and 11, appellant argues that the reference does not teach progressively displaying portions of the incentive image based on time spent viewing the streaming video.

In response, as indicated above, Dedrick specifically discloses wherein the viewer incentive is received over time, based on time spent viewing the video, *since the incentive is transmitted with the video* (column 4, lines 7-19). Furthermore, Dedrick even states that the viewer incentive can be displayed *with* the video on the *same* monitor (column 3, lines 34-37). The *receipt* of the viewer incentive, which is downloaded as individual packets through the VBI, is dependent upon the time spent viewing the video, as the packets are downloaded, over time, as the viewer watches the video (column 3, lines 16-37 and column 4, lines 7-19). Thus, while Dedrick clearly discloses receiving incomplete portions of the incentive image (column 3, lines 16-37 and column 4, lines 7-19) and that the viewer incentive is displayed to the user (displaying the full advertisement; column 3, lines 33-37 and column 4, lines 7-19), he merely fails to disclose that incomplete portions of the viewer incentive are displayed. It was the PNG specification which was then relied upon to disclose displaying portions of an image, as their received, and the benefit therein.

Thirdly, on page 11, appellant argues that a reference which teaches increasing the rapidity of overall image display, necessarily teaches away from the claimed invention, as requiring that the earned portion be displayed first most certainly delays the rapidity with which the overall image would be presented.

In response, it is once again noted that “earning” portions is not required by any of the current claims. The claims merely require that the amount of display image portions be dependent upon time spent viewing the video. The combination of Dedrick and the PNG specification clearly meet these limitations, as shown above.

Finally, on page 11, appellant argues that neither reference gives any reason why one would display first the earned portion of less than all of the image.

In response, it is once again noted that “earning” portions is not required by any of the current claims. Furthermore, the claims do not include any requirement for which one particular portion to be displayed first. Thus the argument that an “earned” portion must be displayed first is completely irrelevant. As the combination of Dedrick and the PNG specification would disclose that the first arrived portions would be displayed first, this clearly meets the current claim limitations.

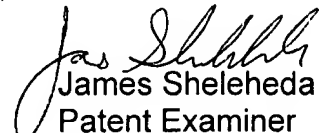
(11) Related Proceeding(s) Appendix

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No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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Patent Examiner
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JS
January 4th, 2007

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